

THE HONORABLE EDWARD F. SHEA

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Attorneys for Integrated Environmental Technologies, LLC

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ASIA PACIFIC ENVIRONMENTAL  
TECHNOLOGY, INC., a Hawaii  
corporation; and HAWAII MEDICAL  
VITRIFICATION, INC., a Hawaii  
corporation,

Plaintiff,

v.

INTEGRATED ENVIRONMENTAL  
TECHNOLOGIES, LLC, a New York  
Limited Liability Corporation; and DOE  
DEFENDANTS 1-50,

Defendants.

NO. CV-05-5077-EFS

STIPULATED PROTECTIVE  
ORDER BETWEEN ALL PARTIES  
REGARDING DOCUMENTS  
PRODUCED BY GENERAL  
ATOMICS

**STIPULATION**

STIPULATED PROTECTIVE ORDER BETWEEN ALL  
PARTIES REGARDING DOCUMENTS PRODUCED BY  
GENERAL ATOMICS- 1

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1 General Atomics, Asia Pacific Environmental Technology, Inc. and Hawaii  
 2 Medication Vitrification, Inc. (Plaintiffs), and Integrated Environmental  
 3 Technologies, Inc. (Defendant), through their undersigned counsel, agree that it  
 4 would serve the interests of these entities that documents produced by General  
 5 Atomics pursuant to third-party discovery and/or produced pursuant to subpoena  
 6 be subject to protective order in order to avoid disputes during the discovery  
 7 process.

8 Therefore, to effectuate their agreement, it is stipulated as follows:

9 1. When used in this Stipulated Protective Order, "Information" means  
 10 all documents or other materials or media produced in response to discovery  
 11 requests or otherwise conveyed during this litigation.

12 2. It is agreed that, pursuant to this Stipulated Protective Order, any  
 13 Party or third party who produces Information in this litigation may designate any  
 14 Information as "**Confidential**" if they have a good faith belief that the Information  
 15 is or contains trade secrets or other confidential, proprietary, financial, or  
 16 commercially-sensitive information.

17 3. It is agreed that, pursuant to this Stipulated Protective Order, any  
 18 Party or third party who provides Information which is produced by that Party or  
 19 third party in this litigation may designate any Information as "**Attorneys Eyes**  
 20 **Only**" if they have a good faith belief that the Information is or contains trade  
 21 secrets or other confidential, proprietary, financial, or commercially-sensitive  
 22 information the disclosure of which to the requesting Party could result in financial  
 23 harm to the producing Party or third party.

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 26 STIPULATED PROTECTIVE ORDER BETWEEN ALL  
 PARTIES REGARDING DOCUMENTS PRODUCED BY  
 GENERAL ATOMICS- 2

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1           4. It is agreed that, except with the prior written consent of the producing  
2 party, the attorneys and Parties herein shall use any Information or deposition  
3 testimony designated by any party or third party as **"Confidential"** only for  
4 purposes of this action, and shall not disclose such Confidential Information,  
5 except as otherwise provided herein, to any person other than:

6           a. The Court and any persons employed by the Court whose duties  
7 require access to any materials filed in connection with this action;

8           b. Legal counsel for any Party in this action, their legal associates,  
9 paralegals, clerical and other support staff assisting in the representation of  
10 the Party to this action;

11           c. The Parties to this litigation, their employees, officers and  
12 directors whose duties require access to Information exchanged through  
13 discovery in this action;

14           d. Actual witnesses and potential witnesses in this action, and  
15 their counsel, to the extent reasonably deemed necessary by counsel for the  
16 witness's preparation for testimony;

17           e. Outside consultants and experts (and their employees) retained  
18 for the purpose of assisting in the prosecution and/or defense of this action;

19           f. Court reporters;

20           g. Mediators and / or Arbitrators that the Parties have agreed to  
21 use in an effort to resolve or narrow the issues in this case; and

22           h. Employees of copying and/or microfilming services utilized  
23 with respect to this action for the prosecution or defense thereof.  
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STIPULATED PROTECTIVE ORDER BETWEEN ALL  
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GENERAL ATOMICS- 3

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1           5. Prior to disclosure of any Information designated as "**Confidential**,"  
 2 any person included under subsections 4(d) and (e) shall agree in writing to comply  
 3 with this Order by executing a Certificate of Knowledge of and Compliance with  
 4 Stipulated Protective Order indicating that he or she has received and reviewed this  
 5 Stipulated Protective Order and agrees to be bound by its terms. The Certificate  
 6 shall be in the form attached as Exhibit A. If such person refuses to be bound by  
 7 the terms of the Stipulated Protective Order, no Confidential Information may be  
 8 shown to that person outside the context of a sworn deposition. Deponents who  
 9 refuse to agree to the terms of this Stipulated Protective Order on the record may  
 10 be shown Confidential Information during the course of a deposition, but will not  
 11 be allowed to keep a copy of the Confidential Information or the transcript of the  
 12 deposition if the transcript recites, references, or describes the contents of the  
 13 Confidential Information.

14           6. Information designated as "**Attorneys Eyes Only**" shall be treated in  
 15 the same manner as Information designated as "**Confidential**" with the additional  
 16 restriction that Information designated as "**Attorneys Eyes Only**" shall not be  
 17 disclosed to any person included under subsection 4(c), 4(d) or 4(e) without the  
 18 prior written consent of the producing Party or third party. Any Party wishing to  
 19 disclose Attorneys Eyes Only information to any person included under  
 20 subsections 4 (c), 4(d) or 4(e) must provide notice of the intent to disclose, as well  
 21 as a copy of the signed Certificate in the form of Exhibit A, to the producing party  
 22 not less than 10 days prior to the disclosure. If the producing party objects to the  
 23 disclosure, in writing, within 10 days of receipt of the Certificate, no Attorneys  
 24 Eyes Only information shall be disclosed unless and until the matter is resolved by  
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STIPULATED PROTECTIVE ORDER BETWEEN ALL  
 PARTIES REGARDING DOCUMENTS PRODUCED BY  
 GENERAL ATOMICS- 4

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1 agreement of the parties (including the producing party) or by an order of the  
2 Court.

3 7. Whenever a deposition taken on behalf of any Party involves the  
4 disclosure of "**Confidential**" or "**Attorneys Eyes Only**" Information of either  
5 Party, either Party may designate all or portions of said deposition as containing  
6 "**Confidential**" or "**Attorneys Eyes Only**" Information. Any such designation,  
7 and the Information so designated, shall be made subject to the provisions of this  
8 Stipulated Protective Order.

9 8. Any Party may challenge the designation of Information as  
10 "**Confidential**" or "**Attorneys Eyes Only**" by giving written notice that such  
11 Party intends to challenge the designation by raising the issue with the Court.  
12 Notice must be made to the Party who produced the Information not less than  
13 fourteen (14) days prior to filing any motion. If, within ten (10) days after receipt  
14 of the notice, the Party who produced the Information makes a written objection to  
15 the Party giving the notice, the Information shall remain designated as  
16 "**Confidential**" or "**Attorneys Eyes Only**" until this Court orders otherwise. If  
17 timely written objection is not made, the Party who produced the Information shall  
18 be deemed to have waived any objection to the disclosure of the designated  
19 Information and the Information may be treated as non-confidential without further  
20 order of the Court.

21 9. With respect to any communications to the Court, including any  
22 pleadings, motions or other papers, all documents containing "**Confidential**" or  
23 "**Attorneys Eyes Only**" Information shall be communicated to the Court in a  
24 sealed envelope or other appropriate sealed container on which shall be written the  
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26 STIPULATED PROTECTIVE ORDER BETWEEN ALL  
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GENERAL ATOMICS- 5

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caption of this lawsuit, an indication of the contents of the sealed envelope or container, and the words "**CONFIDENTIAL INFORMATION SUBJECT TO A PROTECTIVE ORDER,**" and the Clerk of this Court is directed to maintain such materials under seal.

10. Inadvertent failure to designate any Information "**Confidential**" or "**Attorneys Eyes Only**" shall not constitute a waiver of an otherwise valid claim of confidentiality pursuant to this Stipulated Protective Order, so long as a claim of confidentiality is asserted within fifteen (15) days after the producing Party has noticed the inadvertent failure to designate the Information as "**Confidential**" or "**Attorneys Eyes Only.**" At such time, arrangements shall be made by the Parties to designate the Information "**Confidential**" or "**Attorneys Eyes Only**" in accordance with this Stipulated Protective Order.

11. Except as otherwise agreed in writing, at the conclusion of this action, whether the action be settled, otherwise resolved in full prior to trial, or tried on the merits, the obligations imposed by this Stipulated Protective Order shall remain in effect. All copies of "**Confidential**" or "**Attorneys Eyes Only**" Information shall be promptly returned to the producing Party upon request, or destroyed by agreement of the Parties.

12. Any person or entity receiving "**Confidential**" or "**Attorneys Eyes Only**" Information under this Stipulated Protective Order who is then later served with a subpoena for any such Information shall give counsel for the Parties at least seven (7) days' notice (or reasonable notice if the time for compliance with the subpoena is less than seven (7) days) before producing any such Information.

STIPULATED PROTECTIVE ORDER BETWEEN ALL  
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GENERAL ATOMICS- 6

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1           13. Each person or entity to whom "Confidential" or "Attorneys Eyes  
2 **Only**" Information is disclosed in accordance with provisions of this Stipulated  
3 Protective Order hereby submits himself, herself, or itself to the jurisdiction of this  
4 Court for the enforcement of this Stipulated Protective Order.

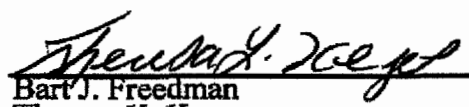
5           14. The terms of this Stipulated Protective Order shall survive any  
6 settlement, discontinuance, dismissal, severance, judgment, or other disposition of  
7 this litigation, and the Court shall continue to retain jurisdiction to enforce the  
8 terms of this Stipulated Protective Order.

9           General Atomics, Asia Pacific Environmental Technology, Inc., Hawaii  
10 Medical Vitrification, Inc., and Integrated Environmental Technologies, Inc.,  
11 through their undersigned counsel, hereby stipulate and agree to entry of this  
12 Stipulated Protective Order.

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14           DATED this 17<sup>th</sup> day of May, 2006.

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16           PRESTON GATES & ELLIS

DLA PIPER RUDNICK GRAY CARY

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18   
19 Bart J. Freedman  
20 Theresa K. Keyes  
Attorneys for Defendant, Integrated  
Environmental Technologies, LLC

  
Danielle Fitzpatrick  
Attorneys for General Atomics

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26           STIPULATED PROTECTIVE ORDER BETWEEN ALL  
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GENERAL ATOMICS- 7

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1 LAW OFFICES OF ROBERT P.  
2 JOHNSON

HALVERSON & APPLGATE PS

3 See attached

See attached

4 Robert P. Johnson  
Attorney for Plaintiffs

Lawrence E. Martin  
Local Counsel for Plaintiffs

5 Dated: 5/23, 2006

Dated: 5/23, 2006

7  
8 **ORDER**

9 IT IS SO ORDERED.

10 DATED this 30th day of May, 2006.

11  
12 s/ Edward F. Shea

13 \_\_\_\_\_  
14 Honorable Edward F. Shea  
15 United States District Judge  
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STIPULATED PROTECTIVE ORDER BETWEEN ALL  
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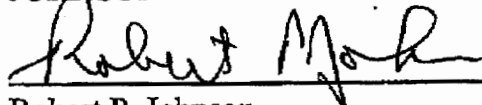


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1 LAW OFFICES OF ROBERT P.  
2 JOHNSON

HALVERSON & APPLGATE PS

3 

4 Robert P. Johnson  
Attorney for Plaintiffs

Lawrence E. Martin  
Local Counsel for Plaintiffs

5 Dated: 5-23, 2006

Dated: \_\_\_\_\_, 2006

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8 **ORDER**

9 IT IS SO ORDERED.

10 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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14 \_\_\_\_\_  
Honorable Edward F. Shea  
United States District Judge

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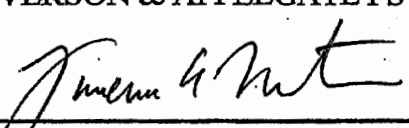
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2 JOHNSON

HALVERSON & APPLGATE PS

3  
4 Robert P. Johnson  
Attorney for Plaintiffs

  
5 Lawrence E. Martin  
Local Counsel for Plaintiffs

6 Dated: \_\_\_\_\_, 2006

Dated: 5/23, 2006

7  
8 **ORDER**

9 IT IS SO ORDERED.

10 DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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14 Honorable Edward F. Shea  
United States District Judge

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26 STIPULATED PROTECTIVE ORDER BETWEEN ALL  
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**EXHIBIT A****Certification of Knowledge of and Compliance with Stipulated Protective Order**

I certify my understanding that confidential discovery materials and the information contained therein will be provided to me pursuant to the terms and restrictions of the Stipulated Protective Order issued in the action titled ASIA PACIFIC ENVIRONMENTAL TECHNOLOGY, INC. and HAWAII MEDICAL VITRIFICATION, INC. v. INTEGRATED ENVIRONMENTAL TECHNOLOGIES, LLC, NO. CV-05-5077-EFS (U.S. District Court for the Eastern District of Washington), and that I have been given a copy of and have read the Stipulated Protective Order and agree to be bound by it. I understand that such discovery materials, any copies, any notes or other memoranda, or any other forms of information regarding or derived from those materials, including the contents of those documents, shall not be disclosed to any person, except as permitted under the Stipulated Protective Order, shall be used only for the purpose of said proceedings, and shall be returned, if they are confidential pursuant to the Stipulated Protective Order. I understand that I may not use or disclose any confidential information subject to this Stipulated Protective Order for any reason outside of the above-referenced lawsuit.

DATED: \_\_\_\_\_

(Signature) \_\_\_\_\_

\_\_\_\_\_  
Print Name

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STIPULATED PROTECTIVE ORDER BETWEEN ALL  
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GENERAL ATOMICS- 10

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